

WEDNESDAY, DECEMBER 19, 1984

7:30 p.m. on Wednesday, December 19, 1984 in the City Hall Council Chambers.

Present: Council Members - Olson, Pinkerton, Hinchman,
Reid, and Snider (Mayor)

Absent: Council Members - None

Also Present: City Manager Glaves, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney Stein, and City Clerk Reimche

The invocation was given by Dr. Wayne Kildall, Center of Hope

The Pledge of Allegiance was led by Mayor Snider

PRESENTATIONS

OLD LODI UNION HIGH SCHOOL SITE FOUNDATION PAYS OFF BALANCE OF SITE PURCHASE	At approximately 8:00 p.m., following a musical introduction, Dennis Bennett, Chairman of the Old Lodi Union High School Site Foundation, presented the City of Lodi with a check in the amount of \$11,703.00, which paid off the balance of the site purchase. Members of the Foundation who were in the audience were introduced. Council extended its most sincere appreciation to the Foundation for its outstanding efforts on behalf of the Community in the retirement of this debt. On motion of Council Member Olson, Reid second, Council appropriated a matching amount to be used for the Music Building refurbishing and rehabilitation.
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PROCLAMATION FOR Mayor Snider presented a Proclamation for Dr. Norman King,
DR. NORMAN KING acknowledging his performance of the "Chicken Scratch", which
was performed to raise funds for Hutchins Street Square debt
retirement.

REPORTS OF THE CITY MANAGER

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Reid, Olson second, approved the following actions hereinafter set forth.

CONSENT CALENDAR

CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,049,357.02

MINUTES THE MINUTES OF NOVEMBER 21, 1984, DECEMBER 4, 1984 A.M.,
AND DECEMBER 4, 1984 P.M. WERE APPROVED AS WRITTEN.

RENEWAL OF INSTRUMENT MAINTENANCE SERVICE CONTRACT FOR WHITE SLOUGH WATER POLLUTION CONTROL FACILITY APPROVED

WINE COUNTRY PLAZA COUNCIL APPROVED THE SUBDIVISION MAP FOR TACT NO. 1907,
SUBDIVISION MAP WINE COUNTRY PLAZA AND AUTHORIZED THE CITY CLERK TO EXECUTE
APPROVED THE MAP ON BEHALF OF THE CITY.

Council was apprised that this subdivision map covers an existing commercial and office complex located at 1420 West Kettlerman Lane. Charles E. Ward, the owner of this complex, wishes to convert these units to condominiums and this map is being filed to conform to the legal requirements of a

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AGREEMENT WITH
TUCKER, DUNN,
AND KIKUCHI TO
DEFER INSTALLA-
TION OF OFF-SITE
IMPROVEMENTS
ALONG TOKAY
STREET APPROVED

condominium project. The off-site improvements were installed at the time the complex was built and no agreements or improvement securities are required.

COUNCIL APPROVED AN AGREEMENT WITH TUCKER, DUNN AND KIKUCHI, TO DEFER INSTALLATION OF OFF-SITE IMPROVEMENTS ALONG TOKAY STREET UNTIL SUCH TIME AS ADDITIONAL OFF-SITE IMPROVEMENTS ARE INSTALLED, AND AUTHORIZED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE DOCUMENT ON BEHALF OF THE CITY

Council was apprised that the developers of the property at 617 South Lower Sacramento Road plan to construct additional office units on this parcel. It is the developer's responsibility to install off-site improvements on one-half of Tokay Street as well as the improvements along Lower Sacramento Road. The developer desires to postpone the installations on Tokay Street until additional off-site improvements are installed because of local drainage problems and the undeveloped state of the remainder of the street.

Under the Code of the City of Lodi, it is permissible to defer these improvements..."If the Public Works Director determines that it would be in the best interest of the City to cause all or a portion of the work to be done on an area wide basis; provided, that the property owner enters into an agreement with the City..." (Section 5.22)

It was Staff's recommendation that the improvements along Tokay Street be deferred at this time with the understanding that they be installed upon demand of the City. At the time that the Tokay Street improvements are installed, the developers would be required to abandon the Lower Sacramento Road driveway access and reconstruct on-site circulation to utilize Tokay Street.

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SPECS FOR WELL
6R PUMP AND
MOTOR APPROVED

COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR WELL 6R, PUMP AND MOTOR AND AUTHORIZED THE ADVERTISING FOR BIDS THEREON.

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AWARD - LODI LAKE
STORM DRAIN
OUTFALL

CITY MANAGER GLAVES PRESENTED THE FOLLOWING BIDS WHICH HAD BEEN RECEIVED FOR LODI LAKE STORM DRAIN OUTFALL:

<u>BIDDER</u>	<u>BID</u>
Teichert Construction	\$67,782.00
Claude C. Wood Co.	\$69,787.00
Robert Ellsworth Construction	\$70,989.00
Burdick Excavating	\$72,235.30
Central Ready Mix	\$76,250.00
Holman Pettibone	\$79,116.00
Antovich Construction	\$80,000.00
Pacific Contractors	\$82,862.00
South Tahoe Construction	\$84,546.00
W.M. Lyles Company	\$105,856.00

RES. NO. 84-189

Following the City Manager's recommendation, Council adopted Resolution No. 84-189 awarding the contract for Lodi Lake Storm Drain Outfall to Teichert Construction Company, the low bidder, in the amount of \$67,782.00

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AWARD - 6" TRASH
PUMP

City Manager Glaves presented the following bids which had been received for a 6" Trash Pump:

<u>BIDDER</u>	<u>BID</u>
Edward R. Bacon	\$7,537.78
A & M Pump & Equipment Co.	\$8,468.34
A & L Pump	\$8,930.50
Edward R. Bacon	\$9,174.88

Council was apprised that the low bidder's bid does not meet specifications and the bid was not signed. The engine bid is a German Diesel and the pump size is for 1½" solids, where our specifications called for 2 5/8" solids.

The second low bid, from A & M Pump and Equipment Co. meets all specifications.

This trash pump is an additional unit which will be utilized by both the Water/Wastewater and Street Division in Public Works.

RES. NO. 84-190

Following recommendation of the City Manager, Council adopted Resolution No. 84-190 awarding the bid for a 6 inch Trash Pump to A & M Pump and Equipment Company, in the amount of \$8,468.34, which includes tax.

* * * * *

Olson
PUBLIC HEARINGS

Notices thereof having been published in accordance with law and affidavits of publication being on file in the office of the City Clerk, Mayor Snider called for the Public Hearings to consider:

1. Regarding the certification of the filing of a Negative Declaration on the 3.17 acre parcel located at 2430 West Turner Road, Lodi, California.
2. Consider the Lodi City Planning Commission's recommendation that the Land Use Element of the Lodi General Plan be amended to redesignate a 3.17 acre parcel at 2430 West Turner Road from Commercial to Medium Density Residential, as requested by Dennis Bennett.
3. Consider the Lodi City Planning Commission's recommendation that P-D (1), Planned Development District No. 1 be amended so that the 3.17 acre parcel at 2430 West Turner Road conform to the requirement of the R-GA, Garden Apartment Residential District rather than the C-S, Commercial Shopping District as requested by Dennis Bennett.

The matter was introduced by Community Development Director Schroeder, who presented diagrams of the subject area and responded to questions regarding the subject as were posed by Council.

The following persons spoke in favor of the matter:

- 1) Mr. Dennis Bennett
1200 West Tokay Street
Lodi, California

There were no other persons in the audience wishing to speak on the matter and the public portion of the hearing was closed.

1263
REDESIGNATION OF
3.17 ACRE PARCEL
AT 2430 WEST
TURNER ROAD

On motion of Mayor Pro Tempore Hinchman, Olson second, Council certified as adequate documentation the filing of a Negative Declaration by the Community Development Director on the 3.17 acre parcel located at 2430 West Turner Road, Lodi, California.

ORD. NO. 1341
INTRODUCED

Council Member Olson then moved for introduction of Ordinance No. 1341 An Ordinance Redesignating a 3.17 Acre Parcel at 2430 West Turner Road, Lodi, from Commercial to Medium Density Residential. The motion was seconded by Mayor Pro Tempore Hinchman and carried by unanimous vote.

AMENDMENT OF
P-D(1) SO THAT
2430 WEST TURNER
ROAD CONFORMS TO
REQUIREMENTS OF
R-GA

ORD. NO. 1342
INTRODUCED

PLANNING
COMMISSION

ITEMS OF
INTEREST

COMMUNICATIONS
CITY CLERK

CLAIMS

CITY COMPLETION
OF MEDIAN IN
FRONT OF WILLOW
COURT SUBDIVISION

Council Member Reid then moved for introduction of Ordinance No. 1342 - An Ordinance Amending P-D (1), Planned Development District No. 1 so that the 3.17 acre parcel at 2430 West Turner Road, Lodi, conforms to the requirement of the R-GA, Garden Apartment Residential District rather than the C-S, Commercial Shopping District. The motion was seconded by Mayor Pro Tempore Hinchman, and carried by unanimous vote.

City Manager Graves gave the following report of the Planning Commission meeting of December 10, 1984:

The Planning Commission -

1. Approved the request of Cook-Lukenbill Enterprises for a Use Permit to erect a retail shopping center at 1000 West Kettleman Lane (i.e. southeast corner of Kettleman Lane and Fairmont Avenue) in an area zoned P-D (15), Planned Development District No. 15; and

Certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

2. Approved the request of Lodi Community Hospital to extend a Temporary Use Permit for mobile office located at 800 South Lower Sacramento Road for 6 months until June 13, 1985.

On recommendation of the City Attorney and L. J. Russo Insurance Services, Inc., the City's Contract Administrator, Council, on motion of Hinchman, Olson second, denied the following claims and referred them back to L. J. Russo Insurance Services, Inc.:

- a) David O'Connor DOL 11/30/84
- b) Maria Carmen Calderon DOL 11/30/84
- c) Harold & Lynn Stapleton DOL 11/18/84

City Clerk Reimche presented the following letter which had been received from Ronald B. Thomas of R. Thomas Development, Inc.:

"Re: City Completion of Median in front of Willow Court Subdivision

Dear Council Members:

I am writing to request your consideration and favorable decision to install irrigation and landscaping in the newly constructed median referenced above.

As the subdivision is nearing completion for acceptance by the City and as Public Works has scheduled the City portion of the curb and gutter adjacent to Lower Sacramento Road, it seems appropriate to complete the irrigation and landscaping at this time.

The median is presently completed at both the north and south ends of the section in question.

Thank you for your consideration of my request.

Sincerely,

R. THOMAS DEVELOPMENT, INC.

By s/Ronald B. Thomas"

Following discussion, with questions being directed to Staff, Council, on motion of Council Member Reid, Hinchman, second, approved the subject installation be made by the City.

PUC APPLICATIONS

City Clerk Reimche presented a letter which had been received from Pacific Gas and Electric Company advising that they had filed Application No. 84-11-054 in which it requests authority from the California Public Utilities Commission to increase electric rates, effective February 1, 1985 by approximately \$491.5 million on an annualized basis.

LETTER RECEIVED
FROM LIFE
COMMITTEE

City Clerk Reimche presented the following letter which had been received from Mr. Steven A. Herum of the law firm of Neumiller and Beardslee:

"Members of the Council:

This office represents Lodians In Favor of Free Enterprise (LIFE). Without in any way waiving our legal opinion that Lodi's Green Belt Initiative ordinance is invalid, we wish to comment on the proposal to limit a landowner's right to petition for election to once a year.

1. If the City is correct that the subject matter of such an election is only an amendment to its General Plan, then why is the landowner restricted to only one election per year? By law a landowner is otherwise provided the right to petition for a change to the General Plan designation four times a year. Will landowners who are not within the Green Belt area be similarly affected? If not, what is the underlying justification for creating two classes of landowners for purposes of General Plan amendments?

2. Will all Measure A elections be held at one time, or may they be spread throughout the year?

In short, LIFE believes that no limitation upon the yearly number of elections should be imposed. To do so would be detrimental to the economic growth of Lodi.

Very truly yours,

LIFE COMMITTEE

By s/Steven A. Herum

Council was apprised that Staff was preparing a report and recommendation on this subject for presentation to the Council at the January 16, 1985 Regular Meeting.

ABC APPLICATIONS

Applications for Alcoholic Beverage Licenses were received as follows:

- a) Qadir, Mohammad Ajmal/Mohammad Anjad
Milk Stop
321 S. Hutchins Street
Lodi, CA
Off Sale Beer and Wine

- b) Galloway, Michael L.
Tokay Shell Auto Care
420 West Kettleman Lane
Lodi, CA
Off Sale Beer and Wine

COMMENTS BY
CITY COUNCIL
MEMBERS

QUESTIONS RE
BOTHERSOME
ACTIVITIES

Mayor Pro Tempore Hinchman directed questions to staff concerning activities in a neighborhood that are bothersome to the area and what recourse citizens had in these matters.

COMPLAINTS
RECEIVED RE
SUNSET THEATER

Mayor Pro Tempore Hinchman also directed questions to Staff regarding complaints that have been received regarding the condition of the Sunset Theater.

Community Development Director Schroeder responded stating that his department can mandate that the building be secured, but little else. They have no authority when it comes to the unsightliness of the buildings.

Community Development Director Schroeder and City Attorney Stein then responded to questions that were introduced by Council Member Reid as to when does an abandoned building become a fire hazard.

ARMSTRONG ROAD
SIGNAL LIGHT
NOW IN OPERATION

Council Member Olson reported that the new signal light at the corner of West Lane and Armstrong Road is now operable.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

APPEAL OF MICHAEL
FAUGHT FOR AN
EXCEPTION TO CITY
POLICY PERTAINING
TO THE HIRING OF
RELATIVES IN
ORDER TO ALLOW
HIS EMPLOYMENT AS
A FIREMAN WITH
THE CITY OF LODI

Mr. J. Anthony Abbott, Attorney-at-law of the firm of Mayall Hurley, et al, addressed the Council advising that his firm represents Michael Faught in all matters arising out of his prospective employment as a fireman with the City of Lodi. Mr. Faught has been denied employment by the City of Lodi as a fireman on the sole basis that his father, Russell Faught, already works as a fire engineer in the department. The basis for the refusal of employment was Resolution No. 83-15, adopted by the City Council March 2, 1983. It is Mr. Faught's position that the denial of employment to him is a misapplication of the policy embodied in Resolution No. 83-15, and constitutes insidious discrimination under Federal and California law. Mr. Faught hereby petitions the City Council to reverse the decision of City Manager Henry Graves, and ordering the hiring of Mr. Faught as a fireman in the Lodi Fire Department.

Mr. Abbott then addressed the Council in detail regarding the reasons he feels support for this request.

Mr. Al Haupt, 727 Grant Ave., Lodi, also addressed the Council speaking on behalf of Mr. Faught's appeal.

Following a brief discussion, Mayor Snider directed the City Clerk to place on the January 2, 1985 Regular Meeting Agenda, the appeal of Michael Faught for an exception to City policy pertaining to the hiring of relatives in order to allow his employment as a fireman with the City of Lodi.

PROJECT DETER-
MINATION HAM
LANE - LODI
AVENUE TO ELM
STREET

Mayor Snider introduced Agenda Item K-1 - Project Determination - Ham Lane - Lodi Avenue to Elm Street.

A verbatim transcript of the proceedings regarding this subject was made by a qualified Court Reporter. A copy of the subject transcript, identified as Exhibit "A". is

On motion of Mayor Pro Tempore Hinchman, Snider second, Council approved Alternate B-1 with striping alternative A (with further study to be made on restricted parking) as the project design for Ham Lane Improvement Project - Lodi Avenue to Elm Street. Council further directed Staff to make findings in this matter and bring back the subject findings to Council at its Regular Council meeting of January 2, 1985 for approval. The motion carried by the following vote:

Ayes: Council Members - Hinchman, Olson, Reid, and Snider (Mayor)

Noes: Council Members - Pinkerton

Absent: Council Members - None

RECESS

Mayor Snider declared a 5 minutes recess and the Council reconvened immediately following the recess.

NEGOTIATED SALARY INCREASES - ELECTRICAL UNIT APPROVAL

Following introduction of the matter by Staff, Council, on motion of Council Member Reid, Hinchman second, adopted Resolution No. 84-191 approving negotiated salary increases for the Electrical Unit effective the pay period beginning December 31, 1984 as follows:

RES. NO. 84-191

BI-WEEKLY RATES

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
Journeyman	\$1,046.40	\$1,098.40	\$1,137.60	\$1,211.50	\$1,272.00
Lineman	-	-	1,137.60	1,211.50	1,272.00
Sr. Electric. Tech.	1,177.60	1,236.80	1,298.40	1,363.20	1,431.20
Foreman	1,151.20	1,208.80	1,269.60	1,332.80	1,399.20
Warehouseman	949.50	996.80	1,046.40	1,098.40	1,137.60
Asst. Utility Dir.	1,472.80	1,546.40	1,624.00	1,705.60	1,791.20
Elec. Engineer	1,368.00	1,436.00	1,508.00	1,583.20	1,662.40
Utility Supervisor	1,303.20	1,368.00	1,436.00	1,508.00	1,583.20

AGREEMENT WITH WHITMORE, ET AL TO COVER CERTAIN SPECIALIZED LEGAL SERVICES APPROVED

Following introduction of the matter by Staff, Council, on motion of Council Member Pinkerton, Olson second, approved an Agreement with Whitmore, Kay, et al, to cover certain specialized legal services for 1985 and authorized the City Manager and City Clerk to execute the subject agreement on behalf of the City.

ANNEXATION PROCEEDINGS INITIATED FOR SUNWEST IV

Agenda item K-4 - "Initiate Annexation Proceedings for Sunwest IV" was introduced by Community Development Director Schroeder who presented diagrams for Council's perusal.

RES. NO. 84-192

Following Mr. Schroeder's presentation and questions being posed by Council, Council, on motion of Council Member Olson, Hinchman second, adopted Resolution No. 84-192 initiating annexation proceedings for Sunwest IV with approval of the Justification of Proposal and the City Service Plan.

AUDIT AND MANAGEMENT LETTER - 6/30/84 RECEIVED FOR FILING

Following introduction of the matter by City Manager Graves, Council, on motion of Council Member Pinkerton, Hinchman second, received for filing the City of Lodi June 30, 1984 Audit and Management Letter as prepared by Ernst and Whinney.

2142 HISTORIC GRANTS
IN AID APPLICA-
TIONS FOR
2066 HUTCHINS STREET
SQUARE
AUDITORIUM
APPROVED

Following introduction of the matter by City Manager Graves, Council, on motion of Mayor Pro Tempore Hinchman, Reid second, adopted Resolution No. 84-193 approving an Historic Grants-in-Aid Application for the Hutchins Street Square Auditorium.

RES. NO. 84-193

ADJOURNMENT

There being no further business to come before the Council Mayor Snider adjourned the meeting at approximately 9:15 p.m.

Attest:

Alice M. Reinche
Alice M. Reinche
City

Clerk